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EXAMINER
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MOORE, KARLA A

ART UNIT	PAPER NUMBER
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1763

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/931,470

Applicant(s)

FAYKOSH ET AL.

Examiner

Karla Moore

Art Unit

1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 1763

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 6 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. It is unclear what claim, claim 9 is meant to depend from. Examiner has assumed that it was meant to depend from claim 8 and has treated it as such.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,938,851 to Moshtagh.
6. Moshtagh discloses a chemical vapor deposition system in Figure 2, comprising: a housing that defines an enclosed deposition chamber (16) and includes a lower portion (not numbered, below 74 and to the outside of 20) and an upper portion (12) having a horizontal junction (at 74) with each other; a seal assembly (flange 74 and unnumbered flange below 74) that extends between the lower and upper housings at their horizontal junction; a roll conveyor (24) located within the deposition chamber to convey glass sheet substrates along a direction of conveyance below the horizontal junction of the lower and upper housing portions where the seal assembly is located; a chemical vapor deposition distributor (14) located within the deposition chamber above the roll conveyor to provide chemical vapor deposition coating on the conveyed glass substrates; the housing including an entry (not numbered, left side of

Art Unit: 1763

Figure 2) through which the glass sheet substrates to be coated are introduced into the deposition chamber at a location located below the horizontal junction of the lower and upper housing portions where the seal assembly is located; and the housing including an exit (right side of Figure 2) through which the coated glass sheet substrates leave the deposition chamber at a location below the horizontal junction of the lower and upper housing portions where the seal assembly is located.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moshtagh as applied to claim 1 above, and further in view of U.S. Patent No. 4,558,660 to Nishizawa et al. and U.S. Patent No. 5,368,648 to Sekizuka and U.S. Patent No. 5,614,249 to Mayeda.

9. Moshtagh discloses the invention substantially as claimed and as described above.

10. However, Moshtagh fails to teach a vacuum source for drawing a vacuum within the deposition chamber.

11. Nishizawa et al. teach the use of vacuum means connected to the interior of a reaction chamber for the purpose of evacuating the interior of the reaction chamber to maintain an inner pressure thereof at a super low pressure prior to a commencement of reaction (claim 1, column 16, rows 5-9).

12. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided vacuum means in Moshtagh in order to evacuate the interior of the reaction chamber to maintain an inner pressure thereof at a super low pressure prior to commencement of the reaction as taught by Nishizawa et al.

Art Unit: 1763

13. Moshtagh further fails to teach the seal assembly between the lower and upper housing portions including inner and outer seal members spaced from each other to define an intermediate seal space that is located between the deposition chamber and the ambient and in which a vacuum is drawn to a lesser extent than in the deposition chamber.
14. Sekizuka discloses a sealing assembly comprising two sealing members with the space between evacuated to vacuum (column 2, rows 40-47) for the purpose of further heightening of a sealing effect and to prevent mixing of air or the like from the atmosphere to the inside the process tube of the process container and to obtain a more definite sealing function.
15. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided a sealing assembly including two sealing members with the space between them evacuated to vacuum in Moshtagh in order to heighten a sealing effect, prevent mixing of air or the like from the atmosphere to the inside of the process tube of the process container, and to obtain a more definite sealing effect as taught by Sekizuka.
16. Examiner recognizes that Sekizuka does not specifically teach the space between the sealing members being evacuated to a vacuum to a lesser extent than in the deposition chamber as recited in the claim. However, this recitation is not viewed as a further structural limitation of the claim, rather as an intended use of the apparatus.
17. The courts have ruled that a claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ 2d 1647 (Bd. Pat App. & Inter. 1987).
18. Moshtagh further fails to teach a sensor for detection the pressure within the seal space to sense leakage of either the inner seal member of the outer seal member.
19. Mayeda discloses a leak detection system for a CVD apparatus for the purpose of checking multiple seals and determining a leak with an increased degree of reliability and locating a leak more

Art Unit: 1763

precisely, wherein these determinations allow disassembly only when necessary and at the location of the leak (column 2, rows 34-40).

20. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided a sensor for detection of the failure of one of several seals in Moshtagh in order to determine a leak with increased reliability and locate a leak more precisely as taught by Mayeda.

21. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 2 above, and further in view of U.S. Patent No. 4,040,372 to Flanders.

22. The prior art discloses the invention substantially as claimed and as described above, including an upper seal flange (74) and a lower seal flange (unnumbered, directly below 74 in Moshtagh).

23. However, the prior art fails to teach the use of clamps extending between the lower and upper seal flanges, wherein the clamps include a hydraulic cylinder.

24. Flanders discloses the use of a clamp with a hydraulic cylinder for the purpose of connecting two flanges with a tight, leak-proof and tamper-resistant seal (abstract).

25. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided a clamp with a hydraulic cylinder in the prior art in order to connect two flanges with a tight, leak-proof and tamper-resistant seal as taught by Flanders.

26. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moshtagh, Sekizuka, Mayeda and Flanders as applied to claims 3 and 4 above, and further in view of U.S. Patent No. 4,591,374 to Klemola.

27. The prior art discloses the invention substantially as claimed and as described above.

28. However, the prior art fails to teach an oven located within the housing and having elongated heaters that extend along the direction of conveyance in laterally spaced banks.

29. Klemola discloses the use of an oven with elongated heaters (5 and 6) that extend along the direction of conveyance in laterally spaced banks (a top bank and a bottom bank) for the purpose of equalizing the temperature of the conveyor rolls (abstract).

Art Unit: 1763

30. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided laterally spaced banks of elongated heaters in the prior art in order to equalize the temperature of conveyor rolls as taught by Klemola.

31. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 5 above, and further in view of U.S. Patent No. 3,541,293 to MacDonald et al.

32. The prior art discloses the invention substantially as claimed and as described above including the electrical resistance heaters.

33. However, the prior art fails to teach each of the heaters including a quartz tube through which the electric resistance element extends.

34. MacDonald et al. teaches extending a electrical resistance heater through a quartz tube for the purpose of maximum protection against shock and vibration, wherein quartz is used as a material because of its high heat conductivity characteristics and its semi-transparency (column 1, rows 56-72).

35. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided quartz tubes around the electrical resistance heaters in the prior art in order to provide maximum protection against shock and vibration as taught by MacDonald et al.

36. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 6 above, and further in view of U.S. Patent No. 5,028,250 to Deb et al.

37. The prior art disclose the invention substantially as claimed and as described above.

38. However, the prior art fails to teach the conveyor rolls extending through the oven and having ends projecting outwardly therefrom and a drive mechanism that rotatively drives the roll ends outwardly of the oven.

39. Deb et al. disclose an oven with a roller conveyers (79 and 81, Figures 2 and 4) and roller conveyor driving mechanism (Figure 1, 116) with the ends of the roller conveyors extending outwardly of the oven and the novel roller conveyor mechanism and drive system are adapted as such for the purpose of providing a positive interrelated drive for the gallery of rollers while facilitating rapid removal and

Art Unit: 1763

replacement of selected individual rollers as becomes necessary (column 1, rows 62-68 and column 6, row 61 through column 7, row 10).

40. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided a roller conveyor mechanism with roller conveyors which extend outside the oven/chamber and a drive mechanism which rotatively drives the roller conveyors in the prior art in order to of provide a positive interrelated drive for the gallery of rollers while facilitating rapid removal and replacement of selected individual rollers as becomes necessary as taught by Deb et al.

41. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 7 above, and further in view of U.S. Patent No. 4,591,374 to Klemola.

42. The prior art discloses the invention substantially as claimed and as described above.

43. However, the prior art fails to teach a screen that is located below the roll conveyor to catch any broken glass sheet substrates.

44. Klemola discloses the use of a screen plates made of a heat resistant steel for the purpose if protecting heating resistors form broken glass (column 1, rows 54-68).

45. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided a screen plate of heat resistant steel in the prior art in order to protect heating resistors form broken glass as taught by Klemola et al.

46. With respect to claim 9, Klemola does not explicitly teach the use of stainless steel; however, the courts have ruled that the selection of a known material based on its suitability for its intended use is prima facie obviousness. *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945). The courts have further ruled that reading a list and selecting a known compound to meet known requirements is no more ingenious than selecting the last piece to put in the last opening in a jig-saw puzzle. 325 U.S. 335, 65 USPQ at 301.

47. With respect to the stainless steel including "stiffeners", due to minimal explanation of what Applicant means by "stiffeners", they have been interpreted as, "any one of the alloys which are a part of

Art Unit: 1763

stainless steel and are provided because of their ability to impart strength/stiffness to the alloy". These stiffeners would be inherent in the selection of stainless steel as a material for a protecting screen.

48. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,938,851 to Moshtagh, in view of U.S. Patent No. 4,558,660 to Nishizawa et al., U.S. Patent No. 5,368,648 to Sekizuka and U.S. Patent No. 5,614,249 to Mayeda.

49. Moshtagh discloses a chemical vapor deposition system in Figure 2, comprising: a housing that defines an enclosed deposition chamber (16) and includes a lower portion (not numbered, below 74 and to the outside of 20) and an upper portion (12) having a horizontal junction (at 74) with each other; a seal assembly (flange 74 and unnumbered flange below 74) that extends between the lower and upper housings at their horizontal junction; a roll conveyor (24) located within the deposition chamber to convey glass sheet substrates along a direction of conveyance below the horizontal junction of the lower and upper housing portions where the seal assembly is located; a chemical vapor deposition distributor (14) located within the deposition chamber above the roll conveyor to provide chemical vapor deposition coating on the conveyed glass substrates; the housing including an entry (not numbered, left side of Figure 2) through which the glass sheet substrates to be coated are introduced into the deposition chamber at a location located below the horizontal junction of the lower and upper housing portions where the seal assembly is located; and the housing including an exit (right side of Figure 2) through which the coated glass sheet substrates leave the deposition chamber at a location below the horizontal junction of the lower and upper housing portions where the seal assembly is located. Moshtagh further discloses an upper seal flange (74) and a lower seal flange (unnumbered, directly below 74 in Moshtagh).

50. Moshtagh discloses the invention substantially as claimed and as described above.

51. However, Moshtagh fails to teach a vacuum source for drawing a vacuum within the deposition chamber.

Art Unit: 1763

52. Nishizawa et al. teach the use of vacuum means connected to the interior of a reaction chamber for the purpose of evacuating the interior of the reaction chamber to maintain an inner pressure thereof at a super low pressure prior to a commencement of reaction (claim 1, column 16, rows 5-9).

53. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided vacuum means in Moshtagh in order to evacuate the interior of the reaction chamber to maintain an inner pressure thereof at a super low pressure prior to commencement of the reaction as taught by Nishizawa et al.

54. Moshtagh further fails to teach the seal assembly between the lower and upper housing portions including inner and outer seal members spaced from each other to define an intermediate seal space that is located between the deposition chamber and the ambient and in which a vacuum is drawn to a lesser extent than in the deposition chamber.

55. Sekizuka discloses a sealing assembly comprising two sealing members with the space between evacuated to vacuum (column 2, rows 40-47) for the purpose of further heightening of a sealing effect and to prevent mixing of air or the like from the atmosphere to the inside the process tube of the process container and to obtain a more definite sealing function.

56. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided a sealing assembly including two sealing members with the space between them evacuated to vacuum in Moshtagh in order to heighten a sealing effect, prevent mixing of air or the like from the atmosphere to the inside of the process tube of the process container, and to obtain a more definite sealing effect as taught by Sekizuka.

57. Examiner recognizes that Sekizuka does not specifically teach the space between the sealing members being evacuated to a vacuum to a lesser extent than in the deposition chamber as recited in the claim. However, this recitation is not viewed as a further structural limitation of the claim, rather as an intended use of the apparatus.

58. The courts have ruled that a claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior

Art Unit: 1763

art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ 2d 1647 (Bd. Pat App. & Inter. 1987).

59. Moshtagh further fails to teach a sensor for detection the pressure within the seal space to sense leakage of either the inner seal member of the outer seal member.

60. Mayeda discloses a leak detection system for a CVD apparatus for the purpose of checking multiple seals and determining a leak with an increased degree of reliability and locating a leak more precisely, wherein these determinations allow disassembly only when necessary and at the location of the leak (column 2, rows 34-40).

61. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided a sensor for detection of the failure of one of several seals in Moshtagh in order to determine a leak with increased reliability and locate a leak more precisely as taught by Mayeda.

62. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,938,851 to Moshtagh, in view of U.S. Patent No. 4,558,660 to Nishizawa et al., U.S. Patent No. 5,368,648 to Sekizuka, U.S. Patent No. 5,614,249 to Mayeda further in view of U.S. Patent No. 4,591,374 to Klemola and U.S. Patent No. 3,541,293 to MacDonald et al .

63. Moshtagh discloses a chemical vapor deposition system in Figure 2, comprising: a housing that defines an enclosed deposition chamber (16) and includes a lower portion (not numbered, below 74 and to the outside of 20) and an upper portion (12) having a horizontal junction (at 74) with each other; a seal assembly (flange 74 and unnumbered flange below 74) that extends between the lower and upper housings at their horizontal junction; a roll conveyor (24) located within the deposition chamber to convey glass sheet substrates along a direction of conveyance below the horizontal junction of the lower and upper housing portions where the seal assembly is located; a chemical vapor deposition distributor (14) located within the deposition chamber above the roll conveyor to provide chemical vapor deposition coating on the conveyed glass substrates; the housing including an entry (not numbered, left side of Figure 2) through which the glass sheet substrates to be coated are introduced into the deposition

Art Unit: 1763

chamber at a location located below the horizontal junction of the lower and upper housing portions where the seal assembly is located; and the housing including an exit (right side of Figure 2) through which the coated glass sheet substrates leave the deposition chamber at a location below the horizontal junction of the lower and upper housing portions where the seal assembly is located.

64. Moshtagh discloses the invention substantially as claimed and as described above.

65. However, Moshtagh fails to teach a vacuum source for drawing a vacuum within the deposition chamber.

66. Nishizawa et al. teach the use of vacuum means connected to the interior of a reaction chamber for the purpose of evacuating the interior of the reaction chamber to maintain an inner pressure thereof at a super low pressure prior to a commencement of reaction (claim 1, column 16, rows 5-9).

67. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided vacuum means in Moshtagh in order to evacuate the interior of the reaction chamber to maintain an inner pressure thereof at a super low pressure prior to commencement of the reaction as taught by Nishizawa et al.

68. Moshtagh further fails to teach the seal assembly between the lower and upper housing portions including inner and outer seal members spaced from each other to define an intermediate seal space that is located between the deposition chamber and the ambient and in which a vacuum is drawn to a lesser extent than in the deposition chamber.

69. Sekizuka discloses a sealing assembly comprising two sealing members with the space between evacuated to vacuum (column 2, rows 40-47) for the purpose of further heightening of a sealing effect and to prevent mixing of air or the like from the atmosphere to the inside the process tube of the process container and to obtain a more definite sealing function.

70. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided a sealing assembly including two sealing members with the space between them evacuated to vacuum in Moshtagh in order to heighten a sealing effect, prevent mixing of air or the

Art Unit: 1763

like form the atmosphere to the inside of the process tube of the process container, and to obtain a more definite sealing effect as taught by Sekizuka.

71. Examiner recognizes that Sekizuka does not specifically teach the space between the sealing members being evacuated to a vacuum to a lesser extent than in the deposition chamber as recited in the claim. However, this recitation is not viewed as a further structural limitation of the claim, rather as an intended use of the apparatus.

72. The courts have ruled that a claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ 2d 1647 (Bd. Pat App. & Inter. 1987).

73. Moshtagh further fails to teach a sensor for detection the pressure within the seal space to sense leakage of either the inner seal member of the outer seal member.

74. Mayeda discloses a leak detection system for a CVD apparatus for the purpose of checking multiple seals and determining a leak with an increased degree of reliability and locating a leak more precisely, wherein these determinations allow disassembly only when necessary and at the location of the leak (column 2, rows 34-40).

75. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided a sensor for detection of the failure of one of several seals in Moshtagh in order to determine a leak with increased reliability and locate a leak more precisely as taught by Mayeda.

76. The prior art discloses the invention substantially as claimed and as described above, including an upper seal flange (74) and a lower seal flange (unnumbered, directly below 74 in Moshtagh).

77. However, the prior art fails to teach the use of clamps extending between the lower and upper seal flanges, wherein the clamps include a hydraulic cylinder.

78. Flanders discloses the use of a clamp with a hydraulic cylinder for the purpose of connecting two flanges with a tight, leak-proof and tamper-resistant seal (abstract).

Art Unit: 1763

79. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided a clamp with a hydraulic cylinder in the prior art in order to connect two flanges with a tight, leak-proof and tamper-resistant seal as taught by Flanders.

80. The prior art discloses the invention substantially as claimed and as described above.

81. However, the prior art fails to teach an oven located within the housing and having elongated heaters that extend along the direction of conveyance in laterally spaced banks.

82. Klemola discloses the use of an oven with elongated heaters (5 and 6) that extend along the direction of conveyance in laterally spaced banks (a top bank and a bottom bank) for the purpose of equalizing the temperature of the conveyor rolls (abstract).

83. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided laterally spaced banks of elongated heaters in the prior art in order to equalize the temperature of conveyor rolls as taught by Klemola.

84. The prior art discloses the invention substantially as claimed and as described above including the electrical resistance heaters.

85. However, the prior art fails to teach each of the heaters including a quartz tube through which the electric resistance element extends.

86. MacDonald et al. teaches extending a electrical resistance heater through a quartz tube for the purpose of maximum protection against shock and vibration, wherein quartz is used as a material because of its high heat conductivity characteristics and its semi-transparency (column 1, rows 56-72).

87. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided quartz tubes around the electrical resistance heaters in the prior art in order to provide maximum protection against shock and vibration as taught by MacDonald et al.

88. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,938,851 to Moshtagh, in view of U.S. Patent No. 4,558,660 to Nishizawa et al., U.S. Patent No.

Art Unit: 1763

5,368,648 to Sekizuka, U.S. Patent No. 5,614,249 to Mayeda, U.S. Patent No. 4,040,372 to Flanders, U.S. Patent No. 4,591,374 to Klemola and U.S. Patent No. 3,541,293 to MacDonald et al.

89. Moshtagh discloses a chemical vapor deposition system in Figure 2, comprising: a housing that defines an enclosed deposition chamber (16) and includes a lower portion (not numbered, below 74 and to the outside of 20) and an upper portion (12) having a horizontal junction (at 74) with each other; a seal assembly (flange 74 and unnumbered flange below 74) that extends between the lower and upper housings at their horizontal junction; a roll conveyor (24) located within the deposition chamber to convey glass sheet substrates along a direction of conveyance below the horizontal junction of the lower and upper housing portions where the seal assembly is located; a chemical vapor deposition distributor (14) located within the deposition chamber above the roll conveyor to provide chemical vapor deposition coating on the conveyed glass substrates; the housing including an entry (not numbered, left side of Figure 2) through which the glass sheet substrates to be coated are introduced into the deposition chamber at a location located below the horizontal junction of the lower and upper housing portions where the seal assembly is located; and the housing including an exit (right side of Figure 2) through which the coated glass sheet substrates leave the deposition chamber at a location below the horizontal junction of the lower and upper housing portions where the seal assembly is located.

90. Moshtagh discloses the invention substantially as claimed and as described above.

91. However, Moshtagh fails to teach a vacuum source for drawing a vacuum within the deposition chamber.

92. Nishizawa et al. teach the use of vacuum means connected to the interior of a reaction chamber for the purpose of evacuating the interior of the reaction chamber to maintain an inner pressure thereof at a super low pressure prior to a commencement of reaction (claim 1, column 16, rows 5-9).

93. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided vacuum means in Moshtagh in order to evacuate the interior of the reaction chamber to maintain an inner pressure thereof at a super low pressure prior to commencement of the reaction as taught by Nishizawa et al.

94. Moshtagh further fails to teach the seal assembly between the lower and upper housing portions including inner and outer seal members spaced from each other to define an intermediate seal space that is located between the deposition chamber and the ambient and in which a vacuum is drawn to a lesser extent than in the deposition chamber.

95. Sekizuka discloses a sealing assembly comprising two sealing members with the space between evacuated to vacuum (column 2, rows 40-47) for the purpose of further heightening of a sealing effect and to prevent mixing of air or the like from the atmosphere to the inside the process tube of the process container and to obtain a more definite sealing function.

96. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided a sealing assembly including two sealing members with the space between them evacuated to vacuum in Moshtagh in order to heighten a sealing effect, prevent mixing of air or the like from the atmosphere to the inside of the process tube of the process container, and to obtain a more definite sealing effect as taught by Sekizuka.

97. Examiner recognizes that Sekizuka does not specifically teach the space between the sealing members being evacuated to a vacuum to a lesser extent than in the deposition chamber as recited in the claim. However, this recitation is not viewed as a further structural limitation of the claim, rather as an intended use of the apparatus.

98. The courts have ruled that a claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ 2d 1647 (Bd. Pat App. & Inter. 1987).

99. Moshtagh further fails to teach a sensor for detection the pressure within the seal space to sense leakage of either the inner seal member of the outer seal member.

100. Mayeda discloses a leak detection system for a CVD apparatus for the purpose of checking multiple seals and determining a leak with an increased degree of reliability and locating a leak more

Art Unit: 1763

precisely, wherein these determinations allow disassembly only when necessary and at the location of the leak (column 2, rows 34-40).

101. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided a sensor for detection of the failure of one of several seals in Moshtagh in order to determine a leak with increased reliability and locate a leak more precisely as taught by Mayeda.

102. The prior art discloses the invention substantially as claimed and as described above, including an upper seal flange (74) and a lower seal flange (unnumbered, directly below 74 in Moshtagh).

103. However, the prior art fails to teach the use of clamps extending between the lower and upper seal flanges, wherein the clamps include a hydraulic cylinder.

104. Flanders discloses the use of a clamp with a hydraulic cylinder for the purpose of connecting two flanges with a tight, leak-proof and tamper-resistant seal (abstract).

105. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided a clamp with a hydraulic cylinder in the prior art in order to connect two flanges with a tight, leak-proof and tamper-resistant seal as taught by Flanders.

106. The prior art discloses the invention substantially as claimed and as described above.

107. However, the prior art fails to teach an oven located within the housing and having elongated heaters that extend along the direction of conveyance in laterally spaced banks.

108. Klemola discloses the use of an oven with elongated heaters (5 and 6) that extend along the direction of conveyance in laterally spaced banks (a top bank and a bottom bank) for the purpose of equalizing the temperature of the conveyor rolls (abstract).

109. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided laterally spaced banks of elongated heaters in the prior art in order to equalize the temperature of conveyor rolls as taught by Klemola.

Art Unit: 1763

110. The prior art discloses the invention substantially as claimed and as described above including the electrical resistance heaters.

111. However, the prior art fails to teach each of the heaters including a quartz tube through which the electric resistance element extends.

112. MacDonald et al. teaches extending a electrical resistance heater through a quartz tube for the purpose of maximum protection against shock and vibration, wherein quartz is used as a material because of its high heat conductivity characteristics and its semi-transparency (column 1, rows 56-72).

113. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided quartz tubes around the electrical resistance heaters in the prior art in order to provide maximum protection against shock and vibration as taught by MacDonald et al.

#### **Conclusion**


111. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karla Moore whose telephone number is 703.305.3142. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Mills can be reached on 703.308.1633. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9310 for regular communications and 703.872.9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0661.

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February 23, 2003

  
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